International Seabed Authority ISBA/24/A/INF/1

Assembly

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Twenty-fourth session
Kingston, 2–27 July 2018
Item 6 of the provisional agenda*
Consideration of requests for observer status in accordance with rule 82, paragraph 1 (e), of the rules of procedure of the Assembly

Request submitted by Earthworks for observer status in accordance with rule 82, paragraph 1 (e), of the rules of procedure of the Assembly

Note by the secretariat

1. On 17 March 2017, the non-profit organization Earthworks submitted a letter to the Secretary-General of the International Seabed Authority, requesting observer status in the Assembly of the Authority (ISBA/23/A/INF/2, annex). The Assembly considered the application made by Earthworks at its 162nd meeting, held during its twenty-third session. A number of delegates expressed concern over the lack of information provided in order to allow them to assess the merits of the application. The Assembly agreed to defer any decision on the granting of observer status to Earthworks until full information, in the standard format in an official document, had been received for its consideration (ISBA/23/A/14, para. 8).

2. Earthworks has resubmitted its application, comprising the revised letter (annex I) and supporting information provided by the applicant (annex II).

3. In accordance with rule 82, paragraph 1 (e), of the rules of procedure of the Assembly, non-governmental organizations with which the Secretary-General has entered into arrangements in accordance with article 169, paragraph 1, of the United Nations Convention on the Law of the Sea, and other non-governmental organizations invited by the Assembly that have demonstrated their interest in matters under consideration by the Assembly may participate as observers in the Assembly.

4. Paragraphs 5 and 6 of the same rule further provide that observers referred to in paragraph 1 (e) of that rule may sit at public meetings of the Assembly and, upon the invitation of the President and subject to approval by the Assembly, may make oral statements on questions within the scope of their activities, and that written statements submitted by observers referred to in paragraph 1 (e) of that rule within the scope of their activities which are relevant to the work of the Assembly should be made available by the secretariat in the quantities and in the languages in which the statements are submitted.

* ISBA/24/A/L.1.

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Annex I

Letter dated 8 May 2018 from the Mining Programme Director of Earthworks addressed to the Secretary-General of the International Seabed Authority

In accordance with rule 82 of the rules of procedure of the Assembly of the International Seabed Authority. Earthworks is respectfully seeking to participate in meetings of the Assembly as an observer.

Earthworks is a non-profit 501 (c) (3) organization incorporated in Washington, D.C. Its mission is to protect communities and the environment from the adverse impacts of mineral development. We work with communities around the world, from Papua New Guinea to Mexico. Earthworks has been instrumental in the development of social, environmental and financial requirements for mining in the United States and elsewhere. We sit on the steering committee of the Initiative for Responsible Mining Assurance, a multi-stakeholder process that is defining standards and providing oversight for mineral extraction.

Earthworks welcomes the opportunity to contribute to the work of the Authority and member States. It respectfully requests that its application for observer status in the Assembly be favourably considered. Please let us know if you require further information.

(*Signed*) Payal **Sampat**
Mining Programme Director
Earthworks

Annex II

Supporting information on the request by Earthworks for observer status in the Assembly of the International Seabed Authority

1. Name of organization

Earthworks

2. Address, telephone number and website

1612 K Street NW
Suite 904
Washington. D.C. 20006
United States of America

202 887 1872

www.earthworksaction.org

3. Name, title and address of proposed primary representatives

Payal Sampat
Mining Programme Director
1612 K Street NW
Suite 904
Washington, D.C. 20006
United States of America

4. Aims and purpose of Earthworks

Earthworks is a 501 (c) (3) non-profit organization dedicated to protecting communities and the environment from the adverse impacts of mineral and energy development while promoting sustainable solutions. Earthworks stands for clean air, water and land, healthy communities and corporate accountability. We work for solutions that protect both the Earth's resources and communities. We fulfil our mission by working with communities and grass-roots groups to strengthen policies, improve extractive industry practices and encourage responsible materials sourcing and consumption through work informed by sound science.

Earthworks has been instrumental in the development of social, environmental and financial requirements for mining in the United States and elsewhere. Earthworks welcomes the opportunity to contribute to the work of the Authority and member States.

5. History

Earthworks has a 29-year track record of working to reduce the social and environmental footprint of the extractive industries. We do so through influencing policies and regulations, providing technical expertise, engaging with stakeholders and supporting communities affected by oil, gas and mining. Earthworks evolved from the work of two organizations — the Mineral Policy Center and the Oil & Gas Accountability Project — that joined forces in 2005. The Mineral Policy Center was founded in 1988 by Phil Hocker, Mike McCloskey and former United States Secretary of the Interior, Stewart L. Udall, to help reform mining laws and practices. The Oil & Gas Accountability Project was founded in 1999 to work with people in rural, tribal and urban communities to protect their homes and environment from the impacts of

oil and gas development — bringing together such diverse partners as Native Americans, ranchers, sportspeople and environmentalists.

6. Recent activities

Earthworks works to protect communities and ecosystems from the adverse impacts of mineral development while promoting sustainable solutions. We partner with communities to protect special places while driving systemic change in policies and practices related to mining and oil and gas extraction. As an advocacy organization with technical knowledge of the hard-rock mining and oil and gas industries, Earthworks connects grass-roots civil society groups with longer-term policy reforms and market-based solutions to move both industries towards greater responsibility and accountability. We aim to achieve improvements in the social and environmental practices of mineral development through policy reforms, advocacy and research, and to advance just and sustainable solutions to meeting our energy and mineral needs.

Earthworks' track record of successes include protecting Yellowstone and Yosemite National Parks and 400,000 acres of the Rocky Mountain Front from proposed mineral development, strengthening federal requirements for mercury emissions from mining, which has resulted in a 77 per cent reduction in mercury emissions, and requiring mining companies to report their toxic releases in the United States. In collaboration with technical experts, affected communities, international agencies (including the United Nations Environment Programme) and local governments, Earthworks has conducted research and advocated policies and practices that reduce the risks of mine waste disposal to downstream communities, rivers, lakes and marine ecosystems.

Earthworks is a founding member of the multi-stakeholder Initiative for Responsible Mining Assurance and serves on its steering committee as a representative of the non-governmental sector; other sectors are labour, indigenous communities, mining companies and downstream retailers. The Initiative has developed a comprehensive Standard for Responsible Mining covering a wide range of verifiable practices, including mine waste disposal, financial assurances, worker health and safety, and reclamation and closure.

7. Descriptive statement of the extent to which the purposes of Earthworks relate to those of the International Seabed Authority, including, in particular, the contributions that can be made to the progress of the Authority

Earthworks values the opportunity to contribute to the progress of the International Seabed Authority, in particular with regard to developing regulations for deep-sea mining. Earthworks has extensive experience in contributing to the development of regulations for terrestrial mining, including environmental safeguards, community engagement, habitat protection, financial guarantees, and closure and reclamation. We sit on the steering committee of the Initiative for Responsible Mining Assurance, a multi-stakeholder process that is defining standards and providing oversight for mineral extraction. We have provided comments on the International Seabed Authority's draft regulatory framework for mineral development, have participated in its workshop on drafting environmental regulations in Berlin and seek to continue to participate in its development of deep-sea mining regulations.

8. Structure

Earthworks is a non-profit organization listed in the United States, divided into various departments that are led by department heads. The organization is headed by an executive director, supervised by an advisory board and a board of directors.

9. Member organizations

Earthworks does not have member organizations.

10. Current member representatives and officers

Earthworks does not have member representatives or officers. Our current directors are Robin Broad, Cathy Carlson, Ken Colburn, Gloria Flora, Jay Halfon, Adele Hurley, Anthony Ingraffea, Bill McNeill, Jennifer McDowell, Glenn Miller, Wilma Subra and Mark Squillace. Further details are available at https://earthworks.org/about/board-of-directors.

11. Affiliated organizations

We work in close collaboration with global and regional networks such as the Global Mining Campaign, the Western Mining Action Network and the Deep Sea Conservation Coalition. We serve on the steering committee of the Initiative for Responsible Mining Assurance, a multi-stakeholder certification body for mining operations. We serve as a fiscal sponsor for a number of organizations, including Alaskans for Responsible Mining, the Arizona Mining Reform Coalition, the Big Bend Conservation Alliance and Ethical Metalsmiths. We collaborate with a number of other community-based national and global organizations and with technical experts, academic institutions and scientists.

Assembly

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Consideration of requests for observer status in accordance with rule 82, paragraph 1 (e), of the rules of procedure of the Assembly

Request submitted by the Japan Agency for Marine-Earth Science and Technology for observer status in accordance with rule 82, paragraph 1 (e), of the rules of procedure of the Assembly

Note by the secretariat

1. On 4 June 2018, the Japan Agency for Marine-Earth Science and Technology submitted a letter to the Secretary-General of the International Seabed Authority, requesting observer status in the Assembly of the Authority. The text of the letter and additional information provided by the applicant are contained in the annex to the present note.

2. In accordance with rule 82, paragraph 1 (e), of the rules of procedure of the Assembly, non-governmental organizations with which the Secretary-General has entered into arrangements in accordance with article 169, paragraph 1, of the United Nations Convention on the Law of the Sea, and other non-governmental organizations invited by the Assembly that have demonstrated their interest in matters under consideration by the Assembly, may participate as observers in the Assembly.

3. Paragraphs 5 and 6 of the same rule further provide that observers referred to in paragraph 1 (e) of that rule may sit at public meetings of the Assembly and, upon the invitation of the President and subject to approval by the Assembly, may make oral statements on questions within the scope of their activities, and that written statements submitted by observers referred to in paragraph 1 (e) of that rule within the scope of their activities that are relevant to the work of the Assembly should be made available by the secretariat in the quantities and in the languages in which the statements are submitted.

* ISBA/24/A/L.1.

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Annex

Letter dated 31 May 2018 from the President of the Japan Agency for Marine-Earth Science and Technology addressed to the Secretary-General of the International Seabed Authority

The Japan Agency for Marine-Earth Science and Technology requests approval by the Assembly of the International Seabed Authority of the present application for observer status under rule 82, paragraph 1 (e), of the rules of procedure of the Assembly.

The main objective of the Agency is to contribute to the advancement of academic research and to the improvement of marine science and technology, through fundamental marine research and development and cooperative activities on academic research related to the ocean for the benefit of peace and human welfare.

The Agency launched a leading centre, the Research and Development Centre for Submarine Resources, on 1 April 2014 to conduct intensive research and development to meet strong needs for resource exploration. The Centre carries out research on the genesis of polymetallic sulphides, cobalt-rich ferromanganese crusts and polymetallic nodules, which are widely regarded as considerable potential ore resources, and on a generative system of methane, as a potential clean energy source. In addition, the Marine Technology and Engineering Centre within the Agency, which has long been developing autonomous underwater vehicles, will advance their development and that of remotely operated vehicles for sea floor resource exploration. These efforts are in harmony with the rational development of sea floor mineral resources conducted by the Authority.

Please refer to the enclosure for further background information.

We respectfully request that the Assembly grant observer status to the Agency and we look forward to a long and mutually beneficial partnership.

(*Signed*) Asahiko **Taira**
President

Enclosure

1. **Name of organization**

   Japan Agency for Marine-Earth Science and Technology

2. **Address of office**

   2-15, Natsushima-cho, Yokosuka-city, Kanagawa, 237-0061
   Japan

3. **Name, title and address of proposed primary representatives**

   Asahiko Taira
   President
   Japan Agency for Marine-Earth Science and Technology
   2-15, Natsushima-cho, Yokosuka-city, Kanagawa, 237-0061
   Japan
   Tomohiko Fukushima
   Principal contact/researcher
   Resource Generation Environment Research Group
   Research and Development Centre for Submarine Resources
   Japan Agency for Marine-Earth Science and Technology
   2-15, Natsushima-cho, Yokosuka-city, Kanagawa, 237-0061
   Japan

4. **Aims and purpose of the Japan Agency for Marine-Earth Science and Technology**

   The main objective of the Agency is to contribute to the advancement of academic research and to the improvement of marine science and technology, through fundamental marine research and development and cooperative activities on ocean-related academic research for the benefit of peace and human welfare.

5. **History**

   The Japan Marine Science and Technology Centre was established in 1971 under the umbrella of the Science and Technology Agency of Japan on the basis of a recommendation of Japanese national and economic organizations to promote marine development. In 2004, the Centre was reorganized as an independent administrative institution, the Japan Agency for Marine-Earth Science and Technology. In 2015, the Agency was relaunched as a national research and development agency.

   On 1 April 2014, the Agency launched the Research and Development Centre for Submarine Resources, to conduct intensive research and development to meet strong needs for resource exploration, in cooperation with relevant national and overseas institutions. Since then, the Agency has also begun to collaborate with the International Seabed Authority. The Agency convened a workshop on "EcoDeep", a project on the ecological aspects of hydrothermal vents and massive sulphide deposits, with the Authority, and published its recommendations as ISA Technical Study No. 18.

6. **Structure**

   The Agency comprises three main sectors: research, development and operations and administration. Within the research sector, two areas have been established: strategic research and development, and basic research. Strategic research and development is aimed at providing solutions to social issues through

activating cross-field research collaboration. Basic research is targeted at the most advanced studies in specific individual areas. Within the development and operations sector, three centres have been established: the Marine Technology and Engineering Centre, which manages the research vessel operation and related engineering development; the Centre for Earth Information Science and Technology, which operates the Earth Simulator supercomputer and maintains the database; and the Centre for Deep-Earth Exploration, which manages the deep-sea drilling vessel, the *Chikyu*, including drilling and coring activities, an analytical laboratory and a core sample repository.

In the strategic research and development area of the research sector, the Research and Development Centre for Submarine Resources has been launched within the Agency to contribute to the utilization of submarine resources through leading-edge exploration and research using our considerable experience and accumulated technology. Specifically, the work of the Centre is aimed at researching the origin of sea-floor hydrothermal deposits, cobalt-rich crust, deep-sea mud rich in rare earth and yttrium (also known as REY-rich mud) and methane hydrate, as well as developing efficient survey techniques and environmental assessment methodologies. The following four major scientific objectives are identified under the research and development structure of the Centre:

- Researching the origin of sea-floor hydrothermal deposits and developing techniques to survey them
- Researching the origin of cobalt-rich crust and REY-rich mud and developing techniques that contribute to the discovery of high-quality ore
- Researching the origin of seabed hydrocarbon resources and developing the continuous carbon energy cycle
- Developing methodologies to assess environmental impacts

7. Recent activities

The Agency carries out its activities according to a midterm plan, which was formulated to meet the medium-term objectives set by the Ministry of Education, Culture, Sports, Science and Technology of Japan. The third midterm plan has been implemented since April 2014. As part of the midterm plan, the Agency has been conducting goal-oriented research and development projects in line with national and public needs in a cross-sectional manner. These projects include research and development in the fields of submarine resources, marine and global environmental change, seismogenic zones, marine biosciences and engineering, the promotion of comprehensive ocean drilling science and advanced synthetic information science, as well as the construction of a research and development base for opening up ocean frontiers.

Of particular relevance to research and development on submarine resources, the Research and Development Centre for Submarine Resources was launched on 1 April 2014. The Agency, through the Centre, has conducted research on the genesis of submarine hydrothermal deposits and cobalt-rich manganese crusts, which are widely regarded as considerable potential ore resources, and on a generative system of methane, as a potential clean energy source.

In addition, the Agency has been advancing the development of autonomous underwater vehicles and remotely operated vehicles, which can be applied to submarine resource exploration. The Agency has also operated the research vessel *Kaimei* since 2016. The vessel can perform wide-area seabed research on the distribution of submarine resources efficiently and has comprehensive scientific research equipment to elucidate the genesis of mineral and ore deposits.

The Agency, through its research and development on submarine resources, as well as its research-focused facilities, vessels and equipment, has been promoting the comprehensive research and development necessary for the exploration and utilization of the submarine resources that exist within the territorial waters of Japan.

8. Descriptive statement of the extent to which the purposes of the Japan Agency for Marine-Earth Science and Technology relate to those of the International Seabed Authority, including, in particular, the contributions that can be made to the work of the Authority

The Agency is engaged in the world's most advanced research and technology development, in particular with regard to ocean, earth and life. It launched a leading centre, the Research and Development Centre for Submarine Resources, on 1 April 2014 to conduct intensive research and development corresponding to strong needs for resource exploration. The Centre conducts research on the genesis of polymetallic sulphides, cobalt-rich ferromanganese crusts and polymetallic nodules, which are widely regarded as considerable potential ore resources, and on a generative system of methane, a potential clean energy source. In addition, within the Agency, the Marine Technology and Engineering Centre, which has long been developing autonomous underwater vehicles, will advance their development and that of remotely operated vehicles for sea floor resource exploration. These efforts are in harmony with the rational development of sea floor mineral resource development carried out by the Authority.

Researchers at the Agency have participated in workshops held by the Authority and expressed their opinions on the rational development of sea floor mineral resources in workshops covering topics that include taxonomic methods and standardization, the design of impact reference zones and the preservation of reference zones in the Area and the environmental management strategy of the Authority for the Area. In addition, the Agency, in collaboration with the Authority, has convened a workshop on the ecological aspects of hydrothermal vents and massive sulphide deposits and published its recommendations as ISA Technical Study No. 18. The Agency will continue to promote technologies and research on sea floor mineral resources and environmental impact assessment and provide information to the world that contributes to the rational development of the common heritage of mankind.

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Consideration of requests for observer status in accordance with rule 82, paragraph 1 (e), of the rules of procedure of the Assembly

Request submitted by Mining Standards International for observer status in accordance with rule 82, paragraph 1 (e), of the rules of procedure of the Assembly

Note by the secretariat

1. On 14 June 2018, Mining Standards International submitted a letter to the Secretary-General of the International Seabed Authority, requesting observer status in the Assembly of the Authority under rule 82, paragraph 1 (e), of the rules of procedure of the Assembly. The text of the letter received from the applicant, together with supporting information, is attached as an annex to the present note.

2. In accordance with rule 82, paragraph 1 (e), of the rules of procedure, non-governmental organizations with which the Secretary-General has entered into arrangements in accordance with article 169, paragraph 1, of the United Nations Convention on the Law of the Sea, and other non-governmental organizations invited by the Assembly that have demonstrated their interest in matters under consideration by the Assembly, may participate as observers in the Assembly.

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* ISBA/24/A/L.1

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Annex

Letter dated 14 June 2018 from the Managing Director of Mining Standards International addressed to the Secretary-General of the International Seabed Authority

Mining Standards International is an organization based in Australia and focused on improving accountability and transparency in the global mining industry. We respectfully request that our organization be recognized by the Assembly as an observer to the International Seabed Authority under rule 82, paragraph 1 (e), of the rules of procedure of the Assembly.

Mining Standards International was established in 2015 to develop a comprehensive set of performance measures across the fields of geology, operations, sustainability, governance and finance and to perform independent and integrated assessments against those standards, in order to provide greater insight into the performance of mines and mining firms across the world. We have established a world-class board of advisers, including the former Minister for Foreign Affairs of Australia, Gareth Evans, the former Chair of the Standing Commission of the Red Cross and Red Crescent, Greg Vickery, and technical and operational leaders from the mining industry, including Tony Filmer, Ph.D., and Doug McTaggart Ph.D.

Mining Standards International has worked in close collaboration with leading academic institutions, such as the Sustainable Minerals Institute of the University of Queensland, the University of Newcastle and the University of Western Australia. Mining Standards International has advised Governments, including that of South Australia, on the development of a leading-practice mining law reform efforts. Recently, Mining Standards International has been supporting the contractor of the Government of Nauru, Nauru Ocean Resources Inc., with respect to possible international and comparative mining law codes relevant to the mining code being developed by the Authority.

The Managing Director of Mining Standards International, Robert Milbourne, is a mining law expert, an adjunct professor at the University of Queensland and a fellow of the Sustainable Minerals Institute of that university. For the past eight years, Mr. Milbourne has taught international and comparative mining law in university law and graduate programmes. For the last three years, he has delivered seminars for the ministerial mining summit of the International Mining and Resources Conference and has advised Myanmar, Indonesia and Papua New Guinea on mining law matters. Mr. Milbourne has previously advised Nautilus Minerals and DeepGreen Metals with respect to seabed minerals mining law. He served for seven years as a global counsel to mining law firm Vale, and seven years as an equity partner in two international law firms (Norton Rose Fulbright and K&L Gates). Mr. Milbourne would represent Mining Standards International if the present application is accepted.

The primary objectives of Mining Standards International are:

- To promote and improve the understanding of mining operations across integrated metrics to enhance trust and performance in the global mining industry
- To advise stakeholders, including Governments, industry and other participants, in the development of innovations to improve governance and accountability
- To research and advise on global developments with respect to the regulation and governance of the mining industry
- To engage with leading advisory firms in collaboration to improve accountability and performance through innovative solutions

Mining Standards International has a strong interest in the work of the International Seabed Authority and is interested in becoming an official observer for the following reasons:

(a) Mining Standards International is sponsoring academic doctoral research on international mining law and policy with Griffith University Law School;

(b) The core work of Mining Standards International is directly related to the developments emerging within the Authority;

(c) The clients of Mining Standards International are involved in developing the resources of the Area;

(d) Mining Standards International seeks to provide independent expertise to contractors and sponsoring nations with respect to international mining law.

Please refer to the enclosure for further background information. Mining Standards International believes that it can contribute a unique and valuable perspective to the development of the mining code and, accordingly, I request your support for our application for observer status.

(*Signed*) Robert **Milbourne**
Managing Director
Mining Standards International

Enclosure

Supporting information on the request submitted by Mining Standards International for observer status in the Assembly of the International Seabed Authority

1. Name of organization

Mining Standards International

2. Address of office

18 Barker St., East Brisbane, Queensland, Australia, 4169
Attn.: Robert Milbourne

Tel: +61 447 50 02 90

Email: Robert.Milbourne@Mining-Standards.com

Website: www.mining-standards.com

3. Name and title of proposed primary representative

Robert Milbourne
Managing Director, Mining Standards International
Doctoral candidate, Griffith University Law School
Adjunct professor, University of Queensland
Fellow, Sustainable Minerals Institute, University of Queensland

4. Aims and purpose of Mining Standards International

- To promote and improve the understanding of mining operations across integrated metrics in order to enhance trust and performance in the global mining industry
- To advise stakeholders, including Governments, industry and other participants, in the development of innovations to improve governance and accountability
- To research and advise on global developments with respect to the regulation and governance of the mining industry
- To engage with leading advisory firms in collaboration to improve accountability and performance through innovative solutions

5. History

Mining Standards International was formed in December 2015 and has led research and development of innovative platforms for accountability and transparency in the resources sector and provided advisory services for Governments and mining firms in Australia and internationally. Mining Standards International has been endorsed by the premier research organization in Australia, the Commonwealth Science and Industrial Research Organization, as well as Australian state Governments, international stakeholders such as the Papua New Guinea Sustainable Development Programme, industry research groups such as METS Ignited, Mining3 and the Sustainable Minerals Institute of the University of Queensland, and universities, including the University of Western Australia, the University of Newcastle and the University of Queensland.

6. Recent activities

- Mining Standards International advised the Government of South Australia on its leading-practice mining law reform effort.
- Mining Standards International led a consortium tender to advise the Government of Queensland on the independent review and assessment of all mining activity in the State, partnering with PricewaterhouseCoopers, SRK and PPB Advisory.
- Mining Standards International advised stakeholders on a large restructuring of a nickel mine in South America.
- Mining Standards International advised Nauru Ocean Resources Inc. on regulatory matters linked to the International Seabed Authority.
- Mining Standards International regularly leads workshops and seminars and provides commentary to international mining industry stakeholders, including at an annual invitation-only government ministerial mining seminar at the International Mining and Resources Conference, and most recently served as a panellist at the Future of Mining conference.

7. Descriptive statement of the extent to which the purpose of Mining Standards International relates to those of the International Seabed Authority and the contributions that can be made to the work of the Authority

The purpose of Mining Standards International is to promote and deliver innovation to improve accountability and transparency in the performance of the global mining industry. Mining Standards International has led collaboration among industry, academia and Governments, as well as conducting academic legal research and providing public commentary. Mining Standards International has unique expertise in understanding the necessary fundamentals of a best-practice mining code that reflects the interests of multiple stakeholders.

8. Structure

Mining Standards International has an internationally recognized advisory board, including the former Minister for Foreign Affairs of Australia, Gareth Evans, the former Chair of the Standing Commission of the Red Cross and Red Crescent, Greg Vickery, and an executive team that includes the longest-serving Director-General of the Queensland Department of Natural Resources, Mines and Energy, Dan Hunt, and Tony Filmer, who has senior executive roles with Vale, Anglo American, Rio Tinto, the Commonwealth Science and Industrial Research Organization and others, in each case to implement technical best-practice mining solutions and innovations.